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7 UNITED STATES DISTRICT COURT

8 WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

9 THE EMPLOYEE PAINTERS TRUST
10 HEALTH AND WELFARE FUND,
11 RESILIENT FLOOR COVERING PENSION
12 TRUST FUND, DISTRICT COUNCIL NO. 5
13 PAINTERS AND ALLIED TRADES
14 APPRENTICESHIP AND TRAINING TRUST,
15 ALLIED TRADES TRAINING CENTER,
16 WESTERN WASHINGTON FLOOR
17 COVERING INDUSTRY FUND, LABOR-
18 MANAGEMENT COOPERATION
19 INITIATIVE, AND INTERNATIONAL
20 UNION OF PAINTERS & ALLIED TRADES
21 AFL-CIO, DISTRICT COUNCIL NO. 5,

22 Plaintiffs,

23 vs.

24 DON DUANE SHERMAN and JANE DOE
25 SHERMAN, husband and wife and the marital
community comprised thereof d/b/a SHERMAN
& SONS FLOORING CO,

Defendants.

CAUSE NO: MS10-5006KLS

ORDER FOR EXAMINATION OF
JUDGMENT DEBTOR

Clerk's Action Required

22 Pursuant to Plaintiffs The Employee Painters Trust Health and Welfare Fund, Resilient
23 Floor Covering Pension Trust Fund, District Council No. 5 Painters and Allied Trades
24 Apprenticeship and Training Trust, Allied Trades Training Center, Western Washington Floor
25

1 Covering Industry Fund, Labor-Management Cooperation Initiative, and International Union of
2 Painters & Allied Trades AFL-CIO, District Council No. 5,'s (Trust Funds) Motion for an
3 Order requiring Judgment Debtors' attendance at an examination of debtor hearing and proof
4 having been made that an unsatisfied judgment against Judgment Debtors exists, it is hereby

5 **ORDERED** that Don Duane Sherman, a named defendant appear at the U.S. District
6 Court for the Western District of Washington, at Tacoma, 1717 Pacific Avenue, on the **31st** day
7 of **March, 2010 at 1:30P.M.** before the Honorable Karen L. Strombom, Courtroom F, then and
8 there to answer under oath questions concerning any property which Don Duane Sherman is in
9 possession of, or under his/her control which should be applied towards satisfaction of the
10 Judgment rendered in this action.

11 **IT IS FURTHER ORDERED** that Don Duane Sherman answer the attached
12 questionnaire and bring the written responses to the examination.

13 **IT IS FURTHER ORDERED** that Plaintiffs are entitled to their actual service fee and
14 an appearance fee in the amount of \$25.00.

15 **IT IS FURTHER ORDERED** that Plaintiffs may apply for their attorney's fees if
16 Judgment Debtors do not appear.

17 **IT IS FURTHER ORDERED** if Judgment Debtor(s) do(es) not appear, a warrant will
18 be issued for his/her arrest and Judgment Debtor(s) shall be further obligated to Judgment
19 Creditors for their attorney's fees.

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23 ///

1 DATED this 17th day of February, 2010.

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5 Karen L. Strombom
6 United States Magistrate Judge
7
8

9 Presented by:

10 s/David L. Tuttle
11 WSBA #38728
12 Ekman, Bohrer & Thulin, P.S.
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19
20
21
22
23
24
25

S:\Collections\WWP-3410\Pleadings\2010\Sherman & Sons Flooring 3410 USDC Exam Order (Don Sr.).doc

Name: _____

Date: _____

Address: _____

Telephone No.: _____

INDIVIDUAL QUESTIONNAIRE

I. OCCUPATION

1. What is your occupation?
2. What are the name, address, and telephone number of your employer?
3. What is the nature of your work?
4. How long have you worked there?
5. What is your gross salary?
6. What is your take-home pay?
7. What are your pay periods?
8. Where did you work prior to that time?
9. If you are married, does your spouse work? If so, same questions.
10. Will you or your spouse lose your job if your salary is garnished?

II. BANK DEPOSITS

1. Do you have a checking account? If so, where? Account No.?

2. Do you have a savings account? If so, where? Account No.?
3. What is the average deposit in both? Do you make regular deposits?
4. Is the account in your name, your spouse's name, or in some other name?
5. What is your average balance?
6. What is the balance at the present time?

III. DEBTS

1. Does anyone owe you money for any reasons whatsoever?
2. Do you have any claims against anyone for personal injuries, for money, or for property?
3. If so, give name, address, etc.
4. Is the debt evidenced by a note?
5. Is the debt secured by anything such as a mortgage?
6. When is the debt due or is it past due?
7. When was the debt incurred?

IV. RESIDENCE PROPERTY

1. Where do you live?
2. Are you renting or are you buying your home?
3. What is the approximate market value of your home?
4. How have you determined that value?
5. Have you had the property up for sale?
6. Has any realtor given you any idea of its value?
7. Is there a mortgage on the home or are you buying it on a contract?
8. Who holds the mortgage?
9. What is the approximate balance?
10. What are the monthly payments?
11. Is the mortgage in good standing or is it delinquent?
12. How much property is involved – what is the size of the lot?

V. OTHER PROPERTIES

1. Do you own or have an interest in or are you buying any other properties whatsoever?

2. If so, what is the location and address?
3. Is the property improved or unimproved?
4. From whom are you purchasing it? Name and address?
5. What are your monthly payments?
6. What was the down payment?
7. What is the balance due?
8. What is the approximate value of the property?
9. Are you selling any property to another? If so, to whom? Name and address?
10. Where is the location of the property and what is its nature?
11. What is the balance due on the contract?
12. What is the monthly payment?
13. What are the terms of payment – payments, dates, etc.?

VI. NEGOTIABLE INSTRUMENTS: STOCKS/BONDS

1. Are you the holder of any negotiable or non-negotiable instruments or securities? If so, what?

2. Do you own any stock in a company or interest in a joint stock company or mutual fund?
3. If so, give the name of the corporation, the amount of shares held, and whether the shares are in your or others' names.
4. Do you have life insurance?
5. Who is your life insurance agent?
6. What is the company that holds the life insurance?
7. What are your monthly or other premiums?
8. What is the cash surrender value of your insurance?
9. What is the loan value?

VII. AUTOMOBILES

1. Do you own an automobile?
2. How many?
3. Give make, model, year, license number and approximate value.
4. Are you buying the car and do you still owe money on the same?

5. If so, how much and to whom?
6. Do you own a boat or other property? If so, give its nature, where it is located, approximate value and the debts, if any, against it, and to whom the debt is owned.

VIII. MISCELLANEOUS

1. Do you have any cash on hand? If so, how much and where?
2. Do you own any furniture or household goods? What is the approximate value?
3. Do you own any other property, either real or personal? If so, where is it located?
4. Have you purchased any property in another's name? What was the nature of such property and in whose name was it purchased?
5. Do you have any unliquidated claims of any nature against anyone? What are they; against whom; and what is their estimated value?
6. Do you have any deposits in money or in any other property in banking institutions or elsewhere?
7. Do you have any grandparents living? What are their names, ages and addresses?
8. Do you have any parents living? If so, do you expect to inherit?
9. Do you have any money or properties coming or anticipated by way of inheritance, gift or devise?
10. Do you have an interest in property of any kind by reversion or remainder? If so:

- a. What is the name and address of the person or persons now enjoying possession of the same?
 - b. What is the value of the interest?
 - c. From whom and in what manner will such interest be derived?
11. Do you have a life tenant's interest in any property?
12. Do you have an anticipation or expectancy of receipt of any property, real or personal, in the future? If so, what is the nature and value of such expectancy and from whom will it be derived?
13. Are you a beneficiary under any trust or are there any properties being held in trust for you? What is the nature and the value of your interest?
14. Have you been given a power of appointment by anyone? By whom and of what nature?
15. Do you have any money or other property secured in a safe deposit box? If so, where is said box located and what is the nature and value of its contents?
16. Do you have any interest in property in any form of co-ownership; e.g., joint tenancy, tenancy by the entirety; tenancy in common, partnership, etc.? If so, what is the nature and value of such interest and who are the co-owners?
17. Have you made any transfers of any real or personal properties, including cars, money, vacant land, stocks, equipment – anything within the last year?
18. If so:
- a. What:

b. When:

c. To whom:

d. Consideration therefore:

19. Do you have any title, interest, or claim to anything that is pledged or pawned?
20. Do you hold membership in any clubs? What value do you assign to such memberships?
21. Do you own or have any interest in any defense bonds? If so, how many? What series? What denomination?
22. Do you have any interest, title, or claim to any property in a pension fund, profit sharing fund, or annuity contracts? If so, state the estimated value in each.
23. Do you own any hobby, photographic, radio, or sports equipment? If so, describe the equipment.
24. What is the value?
25. What is the location of each piece of equipment?
26. Do you own any other vehicles or equipment, such as trucks, etc.? If so:
27. How many?

- a. Describe each.
- b. What is the value assigned to each?

IX. OTHER INCOME

1. Do you own any interest in a business? If so:
 - a. Describe your interest.
 - b. What is the value assigned to said interest?
2. Do you have any other source of income?
 - a. What is the source?
 - b. What are the net earnings from that source?
3. Do you own any contracts or any description or any rights thereto? If so:
 - a. What is the nature of each contract?
 - b. What is the value of each contract?
4. Did you file an income tax return last year? If so, where?
5. Do you own any patents, copyrights or trademarks?

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

_____, being first duly sworn on oath, deposes and says:

He/she is the defendant in this matter; he/she has read the foregoing answers, knows the contents thereof, and believes the same to be true.

NOTARY PUBLIC in and for the State of Washington,
residing at _____
My commission expires _____

Name: _____

Date: _____

Address: _____

Telephone No.: _____

CORPORATE QUESTIONNAIRE

1. What is the nature of the corporation?
2. How long has the corporation been in existence?
3. State fully and completely the names and addresses of all officers and directors of the corporation stating specifically the office held by each individual.
4. Does the corporation have a checking account? If so, where? Account No.?
5. Does the corporation have a savings account? If so, where? Account No.?
6. What is the average deposit in both? Does the corporation make regular deposits?
7. Is the account in the name of the corporation, or in some other name?
8. What is the balance at the present time in each account listed in response to questions No. 4 and 5?
9. Does anyone owe the corporation money for any reasons whatsoever?
10. Does the corporation have any claims against any person or entity for money, or for property?
11. If so, give name, address, etc.

12. Is the debt evidenced by a note?
13. Is the debt secured by anything such as a mortgage?
14. When is the debt due or is it past due?
15. When was the debt incurred?
16. Does the corporation own the building in which its offices are located? If so, please state the value of the corporation's equity in the property.
17. Is the property referred to in question No. 16 currently for sale? If the answer is yes, please state the name of the listing agent.
18. Does the corporation own or have an interest in, or is it buying any properties whatsoever?
19. If so, what is the location and address?
20. Is the property improved or unimproved?
21. Is the corporation currently selling any property to another? If so, to whom? Name and address?
22. Where is the location of the property and what is its nature?
23. What is the balance due on the contract?

24. What is the monthly payment?
25. What are the terms of payment – payments, dates, etc.?
26. Does the corporation own office equipment, furnishings and/or computer equipment? If so, please specify by item and its approximate value.
27. Does the corporation hold any negotiable or non-negotiable instruments or securities? If so, what?
28. Does the corporation own any stock in another company or interest in a joint stock company or mutual fund?
29. If so, give the name of the corporation, the amount of shares held, and whether the shares are in the name of the corporation or another corporation.
30. Does the corporation own any automobiles or trucks?
31. How many?
32. Give make, model, year, license number and approximate value.
33. Does the corporation own any construction equipment or tools? If so, please state each item and its approximate value.
34. Does the corporation own a boat or other property? If so, give its nature, where it is located, approximate value and the debts, if any, against it, and to whom the debt is owned.

35. Does the corporation have any unliquidated claims of any nature against anyone? What are they; against whom; and what is their estimated value?
36. Has the corporation made any transfers of any real or personal properties, including cars, money, vacant land, stocks, equipment – anything within the last year?
37. If so:
- a. What:
 - b. When:
 - c. To whom:
 - d. Consideration therefore:
38. Did the corporation file an income tax return last year? If so, where?
39. Does the corporation own any patents, copyrights or trademarks?

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

_____, being first duly sworn on oath, deposes and says:

He/she is the defendant in this matter; he/she has read the foregoing answers, knows the contents thereof, and believes the same to be true.

NOTARY PUBLIC in and for the State of Washington,
residing at _____
My commission expires _____